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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,158	02/04/2002	Robert B. Dianda	LUC-313/Dianda 12	4931
32205	7590	11/17/2005	EXAMINER	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/067,158	DIANDA, ROBERT B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prenell P. Jones	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 11-15 is/are allowed.
- 6) ☐ Claim(s) 1-4, 16, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) 5-10, 18, 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek, Jr. et al (US PAT. 6,577,718) in view of Lau et al (US PAT. 5,774,465).

Regarding claims 1, 2 and 4, Kalmanek discloses call setup as associated in a surveillance environment that includes setting up first, second and third communications associated with a calling party/first part, called party/second party and third party, wherein bear channels/communication paths are established as required by law enforcement agency, surveillance message is communicated to a law enforcement agency (Fig. 6, col. 29, line 5-60, col. 30, line 7-60) copies of data packets/audio associated with call is produced (col. 30, line 17-33). Kalmanek is silent on ATM duplicating data in a call set-up environment. In an ATM switch call set-up environment, Lau discloses an ATM network that implements call setup procedures wherein it is desirable for the ATM switch to duplicate cells (audio) to transport from a source to a plurality of different destinations as provide different headers for each cell so as to send

cells out on different VC/paths (col. 1, line 17-30, col. 3, line 39-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement duplicating data in a ATM telephony environment as taught by Lau with the teachings of Kalmanek for the purpose of further establish call sessions and minimizing call termination as associated with communicating with multiple destinations.

Regarding claims 16 and 20, as indicated above, Kalmanek discloses call setup as associated in a surveillance environment that includes setting up first, second and third communications associated with a calling party/first part, called party/second party and third party, wherein bear channels/communication paths are established as required by law enforcement agency, surveillance message is communicated to a law enforcement agency (Fig. 6, col. 29, line 5-60, col. 30, line 7-60) copies of data packets/audio associated with call is produced (col. 30, line 17-33). Kalmanek further discloses a gateway and gateway controllers to configured to setup calls. Kalmanek is silent on ATM duplicating data in a call set-up environment. In an ATM switch call set-up environment, Lau discloses an ATM network that implements call setup procedures wherein it is desirable for the ATM switch to duplicate cells (audio) to transport from a source to a plurality of different destinations as provide different headers for each cell so as to send cells out on different VC/paths (col. 1, line 17-30, col. 3, line 39-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement duplicating data in a ATM telephony

environment as taught by Lau with the teachings of Kalmanek for the purpose of further establish call sessions and minimizing call termination as associated with communicating with multiple destinations.

Regarding claim 3 and 17, as indicated above, Kalmenek discloses call setup in an ATM environment. Kalmenek further discloses additional paths as associated with resource reservation configured communicating in a uni-directional manner.

***Allowable Subject Matter***

3. Claims 11-15 are allowed over prior art.
4. Claims 5-10, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art discloses setting up calls in an ATM environment as associated with communicating in a law enforcement environment, they fail to teach or suggest with respect to claim 5, sending duplicated audio to a second law enforcement agency, with respect to claim 6, tear down the first path between access gateway and ATM once second path and third path are established, with regard to claim 7, disengaging law enforcement agency from third path by an instruction from access gateway to ATM switch, regarding claim 8, when the call is placed on hold disengaging the law enforcement agency from the third path by an instruction from access gateway

to ATM switch, with respect to claim 11, establishing a fourth path from the ATM to the law enforcement agency, which the fourth path includes audio sourced by the third path device during the call, with respect to 18, processor is arranged and constructed to discontinue sending replicated audio to the law enforcement agency when a call is placed on hold by a first device, and with respect to claim 19, when the first call is placed on hold, discontinue sending replicated audio to the law enforcement agency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

November 7, 2005



CHIEH M. FAN  
PRIMARY EXAMINER